

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN MALONE,

Plaintiff,

No. CIV S-03-0363 FCD KJM P

vs.

CORRECTIONAL OFFICER
MARTINEZ,

Defendant.

DISCOVERY ORDER

Defendant Martinez has answered the amended complaint. As provided by this order and the Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

1. Discovery requests shall be served by the party seeking the discovery on all parties to the action.¹ Discovery requests shall not be filed with the court except when required by Local Rules 30-250(a), 33-250(c), 34-250(c) and 36-250(c);

2. Responses to written discovery requests shall be due forty-five days after the request is served;

¹ If an attorney has filed a document with the court on behalf of any defendant, then plaintiff must serve documents on that attorney and not on the defendant. See Fed. R. Civ. P. 5(b).

1 3. The parties are cautioned that filing of discovery requests or responses, except
2 as required by rule of court, may result in an order of sanctions, including, but not limited to, a
3 recommendation that the action be dismissed or the answer stricken;

4 4. As provided by Federal Rule of Civil Procedure 30(a), defendant may depose
5 plaintiff and any other witness confined in a prison upon condition that, at least fourteen days
6 before such a deposition, defendant serve all parties with the notice required by Fed. R. Civ. P.
7 30(b)(1); and

8 5. If disputes arise about the parties' obligations to respond to requests for
9 discovery, the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of
10 the Federal Rules of Civil Procedure and Rules 5-134, 5-135, 6-136, 7-130, 7-131, 7-132, 11-
11 110, 43-140, and 78-230(m) of the Local Rules of Practice for the United States District Court,
12 Eastern District of California; unless otherwise ordered, Local Rule 37-251 shall not apply.
13 Filing of a discovery motion that does not comply with all applicable rules may result in
14 imposition of sanctions, including but not limited to denial of the motion.

15 DATED: October 12, 2005.

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18 UNITED STATES MAGISTRATE JUDGE
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